

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

Call to Order: July 17, 2008 at 8:30 a.m. – ND Board of Nursing Conference Room, 919 S 7th St, Suite 504, Bismarck, ND.

Roll Call: Seven board members present as follows:

JoAnn Sund, RN, President	Nelson (Buzz) Benson, RN, Vice-President
Mary Tello-Pool, LPN, Treasurer	Julie Traynor, RN
Charlene Christianson, RN	Roxane Case, Public Member
Elizabeth Anderson, LPN	

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Patricia Hill, RN, Asst. Director for Practice & Discipline	Julie Schwan, Admin Services Coordinator
Linda Shanta, RN, Associate Director for Education	

Observers were present as indicated on the attached sign in roster.

MINUTES REFLECT ACTIVE AGENDA ITEMS THAT WERE REVIEWED AND DISCUSSED AT THE MEETING.

AGENDA ITEM	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda.</p> <p><i>Motion:</i> Benson, seconded by Traynor: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. Shanta requested addition of 5.56 Nursing Education Loan Awards which was inadvertently not included on the agenda. Kalanek requested the reorder of 6.11 and 6.12 to the first item of discussion.</p> <p><i>Motion:</i> Traynor, seconded by Anderson to: APPROVE THE AGENDA AS AMENDED AND REORDERED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	Open forum was called at 9:00 a.m. No one was present to address the board.
2.1 May 15-16, 2008 Meeting Minutes	<p><i>Discussion:</i> The minutes of the May 15-16, 2008 meeting were reviewed. Shanta requested clarification of Agenda Item 5.14 related to Turtle Mountain Community College. The third sentence should read: "Surveyors found the clinical schedule provided to the board at the March meeting could not be substantiated and "concerns related to lack of student preparation were reported by multiple personnel and students and as evidenced by the survey."</p> <p><i>Motion:</i> Case, seconded by Anderson to: APPROVE THE MINUTES OF THE MAY 15-16, 2008 MEETING AS AMENDED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through June 30, 2008 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 112% and actual expenses were at 96% of budgeted. After adjustments for deferred and earned revenue, adjusted income was at 118% of budget and adjusted expenses at 96% after FY adjustments were made.
3.2 Strategic Plan for 2006-2009	A progress report of the strategic plan for fiscal year 2007-2008 was reviewed.
3.4 Adoption of proviso for election of officers	The board reviewed three Special Provisos for election of the offices for President, Vice-President, Treasurer. The different proviso options were discussed. It was decided to elect all three office positions for a two year period as proposed in the bylaws.
3.3 Proposed Revision to the By-laws	<p><i>Discussion:</i> The board reviewed the proposed changes to the by-laws. The proposed changes include:</p> <ul style="list-style-type: none"> • Officers will be elected for two year terms instead of one year terms. • Nursing Education Committee – add up to four representatives from the nursing education community appointed by the board for a one year term. • Program Monitoring Committee – add up to two representatives from the healthcare community appointed by the board for a one year term. • Nursing Practice Committee – add that the Nursing Community representatives shall serve for two years and may be reappointed for another two year term. <p><i>Motion:</i> Traynor, seconded by Case to: APPROVE THE REVISIONS TO THE CURRENT BYLAWS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

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3.5 Committee Charges for 2008-2009	<p><i>Discussion:</i> Staff reviewed the proposed board committee charges for all standing committees for the 2008-2009 fiscal year.</p> <p><i>Motion:</i> Traynor, seconded by Christianson: APPROVE THE COMMITTEE CHARGES FOR 2008-2009.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>																																								
3.6 Management of Savings & Checking Accounts	<p><i>Discussion:</i> The board is required to annually assign management of the board's bank accounts.</p> <p><i>Motion:</i> Case, seconded by Benson to: APPROVE THE MANAGEMENT OF THE FOLLOWING ACCOUNTS:</p> <ul style="list-style-type: none">• KIRKWOOD BANK - MAIN CHECKING & SAVINGS – KALANEK AND BOARD TREASURER• KIRKWOOD BANK – NFI CHECKING – KALANEK AND BOARD TREASURER• KIRWOOD BANK – NURSING NEEDS SAVINGS – KALANEK• BANK OF ND – NEL CHECKING – KALANEK• BANK OF ND – MERCHANT ACCOUNT CHECKING – KALANEK• DAKOTA COMMUNITY BANK, KIRKWOOD BANK, AND BANK OF ND – INVESTMENT/RESERVE FUNDS – KALANEK <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>																																								
4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Seven individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board. Additional information (related to) (submitted by) Sybil Peterson, and Coralie Anderson was shared with the board.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING INDIVIDUALS:</p> <table><tr><th>NAME</th><th>LIC/REG #</th><th>CITY, STATE</th><th>SANCTION</th><th>PENALTY FEE</th></tr><tr><td>Anderson, Coralie</td><td>UAP Applicant</td><td>Frederick SD</td><td>Reprimand</td><td>\$500</td></tr><tr><td>Dixon, Una</td><td>101703UAP</td><td>Bismarck ND</td><td>Reprimand</td><td>\$200</td></tr><tr><td>Glinz, Haley</td><td>105407UAP</td><td>Souris ND</td><td>Reprimand</td><td>\$300</td></tr><tr><td>Otto, Tina</td><td>98861UAP</td><td>Jamestown ND</td><td>Reprimand</td><td>\$750</td></tr><tr><td>Pedie, Linda</td><td>94448UAP</td><td>Bottineau ND</td><td>Reprimand</td><td>\$300</td></tr><tr><td>Perleberg, Julie</td><td>UAP Applicant</td><td>Buchanan ND</td><td>Reprimand</td><td>\$750</td></tr><tr><td>Peterson, Sybil</td><td>UAP Applicant</td><td>Ellendale ND</td><td>Reprimand</td><td>\$200</td></tr></table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>	NAME	LIC/REG #	CITY, STATE	SANCTION	PENALTY FEE	Anderson, Coralie	UAP Applicant	Frederick SD	Reprimand	\$500	Dixon, Una	101703UAP	Bismarck ND	Reprimand	\$200	Glinz, Haley	105407UAP	Souris ND	Reprimand	\$300	Otto, Tina	98861UAP	Jamestown ND	Reprimand	\$750	Pedie, Linda	94448UAP	Bottineau ND	Reprimand	\$300	Perleberg, Julie	UAP Applicant	Buchanan ND	Reprimand	\$750	Peterson, Sybil	UAP Applicant	Ellendale ND	Reprimand	\$200
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4.41 Stipulation for Settlement – Patricia Friederichs, L10341	<p><i>Discussion:</i> A Stipulation for Settlement was received from Patricia Friederichs, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)and NDAC 54-02-07-01.1 (7). The board reviewed her signed stipulation for settlement, which included a number of allegations that were crossed through and noted with "deny".</p> <p><i>Motion:</i> Traynor, seconded by Case to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR PATRICIA FRIEDERICHS, LPN AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none">♦ ISSUE A REPRIMAND;♦ ASSESS A \$600.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND♦ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>																																								
4.42 Stipulation for Settlement – Barbara Dahlen, R23196	<p><i>Discussion:</i> A Stipulation for Settlement was received from Barbara Dahlen, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(9) and NDAC 54-02-07-01.1 (4)(5)(6) and NDAC 54-02.2-03-01 (1)(2)(3)(5). Board members were sent individual packets from Ms. Dahlen, and Julie Traynor recused herself as she had read the materials in the packet. No other members had reviewed the materials. Barb Dahlen was present and addressed the board, indicating that she does not agree to all allegations in the stipulation for settlement. She reviewed each of the allegations of the complaint that she believed were not proven and indicated that the fine was "beyond harsh". Ms. Dahlen indicated concerns regarding medication errors with clinical students were not communicated to her by the DON of Presentation Medical Center. President Sund indicated to Ms. Dahlen that her concerns would be noted in the minutes, and the board could either accept or deny the stipulation for settlement that she had signed and submitted to the board.</p>																																								

**North Dakota Board of Nursing
Meeting Minutes – July 17, 2008**

AGENDA ITEM	ACTION
4.42 Stipulation for Settlement – Barbara Dahlen, R23196 (continued)	<p><i>Motion:</i> Benson, seconded by Anderson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR BARBARA DAHLEN, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$1000.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, recuse; 6 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.43 Stipulation for Settlement – Nancy Davis, L6186	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nancy Davis, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3) and NDAC 54-02-07-01.1 (6).</p> <p><i>Motion:</i> Case, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NANCY DAVIS, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ISSUE A REPRIMAND; ◆ ASSESS A \$500.00 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
4.71 Request for Reinstatement – Margaret Renbarger, L6139	<p><i>Discussion:</i> Margaret Renbarger has requested reinstatement of her LPN license to unrestricted practice. Bitz reviewed an overview of Ms. Renbarger's suspension. She was audited for CE for the 08-09 renewal cycle and had not completed the required CE. Ms. Renbarger paid the fine for the administrative settlement, but had not submitted the required CE within the 30 day time frame. Her license was automatically suspended on June 30, 2008. On July 5th, Ms. Renbarger submitted the required CE documentation and required ethics course. The Disciplinary Review Panel recommends reinstatement as she has complied with the terms and conditions of her Notice of Suspension dated June 30, 2008.</p> <p><i>Motion:</i> Anderson, seconded by Case to: REINSTATE MARGARET RENBARGER'S SUSPENDED LPN LICENSE TO UNRESTRICTED PRACTICE AS AN LPN UPON THE BOARD'S RECEIPT OF AN ACCEPTABLE CRIMINAL HISTORY RECORD CHECK.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
4.91 Other – Jacquelyn McKenzie	<p><i>Discussion:</i> Jacquelyn McKenzie submitted an application for UAP and Medication Assistant and answered positive to the criminal history question and chemical dependency questions. She pled guilty to two felony drug related charges in January 2007.</p> <p><i>Motion:</i> Case, seconded by Anderson to: DENY JACQUELYN MCKENZIE'S APPLICATION FOR REGISTRATION AS A UAP AND MA BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
4.10.1 Miscellaneous Discipline Issues	<p>Bitz reported on the following individuals licensure status:</p> <ul style="list-style-type: none"> • Margaret Renbarger, L6139, Watford City, ND - Temporarily suspended until complies with requirements of board order. • Katherine Watson, R31050, Dilworth, MN – Suspended for a period of three years. • Ricky Roth – Anonymous letter received, letter sent to Burleigh County States Attorney.
5.11 NDSU Graduate Survey Report (NEC) 7/17 @ 11 a.m.	<p><i>Discussion:</i> The scheduled site survey for NDSU Graduate Nursing Programs for Master of Science (Nursing) and Doctor of Nursing Practice took place on June 24, 2008. Dr. Mary Wright, Director of the Program was present for this agenda item. The Nursing Education Committee reviewed the report in detail. There were no issues of non-compliance and one issue of partial compliance related to NDAC 54-03.2-05-01 Student Policies.</p> <p><i>Motion from the Nursing Education Committee:</i> RECOMMENDS TO THE BOARD THAT:</p> <ol style="list-style-type: none"> 1. NORTH DAKOTA STATE UNIVERSITY GRADUATE PROGRAM IS SUBSTANTITALLY COMPLAINT WITH NDAC ARTICLE 54-03.2 STANDARDS FOR NURSING EDUCATION PROGRAMS; AND 2. GRANT FULL APPROVAL TO THE NDSU GRADUATE PROGRAM THROUGH MAY 2011 TO BE CONSISTENT WITH THE APPROVAL SCHEDULE FOR THE NDSU BACCALAUREATE PROGRAM. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
5.21 U of Mary – Curricular Change (NEC)	<p><i>Discussion:</i> The University of Mary has undertaken an in-depth look at the liberal arts core curriculum required of it's graduates. As a result of the review, two changes were made in the liberal arts pre-requisites for admission to the nursing program. The Nursing courses required prior to formal admission to the program were also reviewed, with the outcome being a newly developed Foundations Course that will replace/combine three of the current NUR courses. The new course will be offered Fall of 2009. The Nursing Education Committee reviewed and discussed the changes with Dr. Reemts, Chair, of the Nursing Program at the University of Mary.</p>

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

AGENDA ITEM	ACTION
5.21 U of Mary – Curricular Change (NEC) (continued)	<p><i>Motion by the Nursing Education Committee that:</i> THE BOARD APPROVE THAT THE UNIVERSITY OF MARY UNDERGRADUATE PROGRAM MET THE REQUIREMENTS FOR NOTIFICATION OF MAJOR PROGRAMMATIC CHANGES PRIOR TO IMPLEMENTATION ACCORDING TO NDAC 54-03.2-06-02 PROGRAMMATIC CHANGES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
5.41 CNE-Net RN Refresher Course (NEC)	<p><i>Discussion:</i> Becky Graner, Executive Director of NDNA was present for this agenda item. NDNA's CNE-Net RN Refresher Course was reviewed for continued approval. The Nursing Education Committee reviewed the report in detail. The course provides 100 hours of theory and 160 hours of clinical. The clinical hours were increased due to the fact that a many of the participants had been out of the nursing practice for many years and felt the increased clinical hours were needed to adjust to the changes in the clinical settings.</p> <p><i>Motion by the Nursing Education Committee that:</i></p> <ul style="list-style-type: none"> • THE CNE-NET RN REFRESHER COURSE MEETS THE REQUIREMENTS FOR REFRESHER COURSE AS SET BY NDAC CHAPTER 54-02-05-05(B) AND • THE BOARD GRANT APPROVAL FOR THE COURSE TO BE OFFERED BY CNE-NET FROM JULY 2008 THROUGH JULY 2012. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
5.42 Ratification of Approval of workshops, etc for Contact Hours	<p><i>Discussion:</i> The board reviewed a list of courses approved by board staff for contact hours as of July 7, 2008.</p> <p><i>Motion:</i> Anderson, seconded by Benson to: RATIFY APPROVAL OF THE WORKSHOPS FOR CONTACT HOURS SUBMITTED TO THE ND BOARD OF NURSING, WHICH INCLUDES COURSES #682 THROUGH #698.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
5.51 Nurse Faculty Intern Pilot Study	<p>Shanta reviewed the FY Status of the Nurse Faculty Intern Pilot Study. There were 63 total participants, with 25 that are current for fall 2008. Total number of nursing programs participating since inception is 10, and current number of programs participating is 7. There were 26 NFIs that withdrew or were discharged, and 12 that completed the study through graduation. Of those that graduated, 4 were hired as faculty by the employing NE program, and 1 was hired as faculty in another NE program. Shanta indicated that majority of the remaining NFI graduates were in advanced practice programs and have gone on to become APRNs.</p>
5.52 Report of Out-of-State Students	<p>There were 776 out of state students receiving clinical experience in ND facilities, which is an increase of 109 students over the previous year. The Nursing Education Committee had discussed the shortage of clinical sites in ND, and the concern that the in-state programs are having difficulty securing clinical sites, and questioned whether the number be capped. It was noted that out of state students were exempted in the law during the 2003 session.</p>
5.53 US Dept of Education Draft Report	<p>The board has been notified that the National Advisory Committee on Institutional Quality and Integrity has recommended renewal of the board's recognition for a period of four years. The recommendation will be transmitted to the Secretary of Education, who will make the final decision. The board will be notified when the final decision has been reached.</p>
5.54 Information from NY BON related to fraudulent PN program	<p>The Board reviewed e-mails from the NY Board of Nursing related to fraudulent PN programs. The issue of fraudulent nursing programs is becoming very prevalent, and it is a nationwide issue. NCSBN is developing a database for questionable programs that other states could access information related to those programs.</p>
5.55 ND Team Selected to Advance solutions to Nursing Faculty Shortage	<p>ND was selected by AARP, the Robert Wood's Foundation, and the US Dept of Labor to participate in the first Nursing Education Capacity Summit in Washington DC on June 26 & 27. The goal of the Summit was to identify solutions to the nurse faculty shortage. Kalanek participated on the 10 member team from ND. She reported that the NFI Pilot Study was discussed at the summit, and reviewed other solutions the group had discussed. Jacqueline Mangnall was the leader of the ND team.</p>
5.56 Nursing Education Loans (NEC)	<p><i>Discussion:</i> The NEC reviewed applications submitted for nursing education loans. A total of 68 applications and reapplications were received: 2 LPN Certificate; 1 LPN AD; 8 RN AD; 29 RN BSN; 18 MSN; and 10 PhD Applicants. Traynor indicated that the Committee reviewed two options for awarding the loans, option 1 which awarded each applicant a percentage of the amount they were eligible for (52%), or option 2, which awarded each applicant a set amount based on degree type, number of years left in the program. In option 2, the graduate degrees receive more funding as less funding is available as compared to undergraduate students. The committee chose funding Option 2. Three applicants needed additional information to qualify for the loan.</p> <p><i>Motion from the Nursing Education Committee:</i> RECOMMEND INCLUDING THE FOLLOWING ON THE LIST OF QUALIFIED NURSING EDUCATION LOAN APPLICANTS WITH AWARDS HELD FOR RECEIPT OF THE FOLLOWING DOCUMENTS:</p> <ul style="list-style-type: none"> • JACLYN HALCROW – TRANSCRIPT FROM UND • HEATHER ENGELSTAD – ND RN LICENSE UPON PASSING NCLEX-RN • MCKENZIE PETERSON – VERIFICATION OF ACADEMIC PROGRESSION IN THE PROGRAM AFTER FALL SEMESTER 2008. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

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5.56 Nursing Education Loans (NEC) (Continued)	<p><i>Discussion:</i> After the NEC meeting, Shanta noted that one individual was awarded more than the maximum amount eligible to receive, so there is an additional amount of \$145. It was recommended adding the extra amount for refresher course applicants.</p> <p><i>Motion:</i> Traynor, seconded by Tello-Pool to: RECOMMEND THAT ACCORDING TO NDAC 54-04.1 NURSING EDUCATION LOANS APPROVE ALL OF THE INDIVIDUALS AS LISTED BY DEGREE TYPE FOR THE NURSING EDUCATION LOAN FOR A TOTAL AWARDED OF \$71,750 WHICH INCLUDES \$445 FOR REFRESHER COURSE STUDENTS (SEE ATTACHED DOCUMENT).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
6.11 Criminal History Record Check Policy (8:30 a.m. 7/17)	<p>The board reviewed proposed revision to the Criminal History Record Check Policy that the board adopted in March. Brian Bergeson, SAAG, was present for this agenda item and participated in the discussion for the next three agenda items. The Board reviewed the revisions, which included the following:</p> <ul style="list-style-type: none"> • clarification as to consent to release or disclose information in accordance with state and federal law. discussed with no recommended change. • language to allow for use of law enforcement agency or NDBON approved background check vendors to take fingerprints; Bergeson clarified that the board can if it so chooses use a third party vendor acceptable to the board to collect and submit fingerprints on behalf of the board. • a section that provides for the board office to process the required paperwork for the fingerprint Criminal History Record Check. The BCI fee of \$47.25 would be submitted to the board office along with the fingerprint cards and form. The board office would then submit the information to BCI for processing. Included in this section was a processing fee to the Board of \$35.00. Tello-Pool objected to the amount of the fee, and indicated that she felt the fee was excessive. Other members concurred and discussed reducing the fee. It was noted that additional staff has been hired to assist with the CHRC process, but additional hours would be needed if the board office processed all requests. Benson and Case recommended a lower processing fee that can be adjusted if so needed. The board and staff agreed the policy should be changed and the board agreed upon a processing fee of \$15.00. • Clarification as to who may view the CHRC documents. The subject of the CHRC may review the documents in the presence of board staff. The CHRC documents cannot be shared with another individual or entity, and can only be used once for the intended purpose. Discussed with no recommended changes. • Other revisions clarified what type of license/registration needed to submit the CHRC and submission of second prints. Discussed with no recommended changes. <p>Bergeson indicated that he believes statute allows granting of temporary permits while the CHRC documents are being processed, as long as other licensure or registration requirements are met. There is language in ND Administrative Rules for temporary permits for endorsements and advanced practice nurses, and for work authorizations for license by examination. There is no mention of permits for UAPs or Medication Assistants or Reactivation of any license/registration in existing regulations. Bergeson indicated this would be a new process for the board office but the statute NDCC 43-12.1-09.1 Nursing licensure or registration- CHRC law did allow for such a process. The board by consensus agreed to the process of issuing permits while the CHRC documents were being processed. Staff revised the policy with the board's recommendations and the board reviewed the revised policy.</p> <p><i>Motion:</i> Benson, seconded by Traynor to: APPROVE THE REVISED CRIMINAL HISTORY RECORD CHECK POLICY.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
6.12 Guidelines for Approval of CHRC Vendors	<p>The board reviewed a proposal for approving third party vendors for the CHRC processing. The board reviewed "Guidelines for Approval of Background Check Vendors". An RFP was also prepared for use if needed. There is no fingerprint vendor applying at this time. A vendor must be approved by the board and be acceptable to BCI and the Attorney General. Tello-Pool indicated she felt the proposed policy was too restrictive, in requiring certain equipment, interactive system with NDBON to verify registration, and having locations available throughout the state. She felt the requirements should be the same as law enforcement, and nothing else, in order for there to be no barriers. Staff indicated that there does need to be a mechanism in place for the board office to be notified that an applicant has registered for CHRC, in order to process the required permits. The board reviewed and revised the policy, removing language that required specific equipment, and services throughout the state, online application requirements, and modified the requirement for notification to the board office indicating that "written" notification would be required. Staff revised the document as discussed by the board and the board reviewed the revised policy. It was noted that the RFP will be revised to reflect the policy.</p> <p><i>Motion:</i> Benson, seconded by Traynor to: APPROVE THE PROPOSED GUIDELINES FOR BACKGROUND CHECK VENDORS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

AGENDA ITEM	ACTION
Response to Letter from Shelly Peterson, President, NDLTCA and Arnold (Chip) Thomas, President NDHA	<p><i>Discussion:</i> The board discussed a letter dated July 11, 2008 submitted to the board by Shelly Peterson, President of ND Long Term Care Association and Arnold "Chip" Thomas, President of the ND Healthcare Association. The letter relates to issues that surfaced at the end of June as to whether or not ID Metryx was the sole vendor for the use of the CHRC fingerprinting and processing by the board. Issues raised by the letter related to 1) Conflict of Interest and Other Ethical Issues: Whether the board had been properly informed that ID Metryx, the vendor that the board had intended to use; Kalanek's son is a partner in the company. The Peterson and Thomas letter refers to state procurement requirements and whether state law was violated in selecting a vendor; 2) Impact of Executive Committee's July 1, 2008 Memorandum; The Executive Committee on July 1, 2008 delayed implementation of the criminal history record check until the July 17-18th meeting, which Peterson and Thomas claim jeopardized the status of applicants and employers. In the letter, Peterson and Thomas request an investigation into whether or not Kalanek violated the Nurse Practice Act.</p> <p>Bergeson reviewed the issue with the board to discuss a response to the letter sent by Peterson and Thomas. The Executive Committee met on June 30, 2008 (See EC Minutes, June 30, 08) to discuss the concerns with Representative Kreidt on whether or not ID Metryx was the sole vendor. The Executive Committee clarified that ID Metryx was not the sole vendor, but due to the concerns, ID Metryx voluntarily withdrew their contract as of July 1, 2008. As a result, the Executive Committee decided to discuss the issue as a whole with the board at the scheduled July 17-18 meeting. Bergeson disclosed that he has done legal work for ID Metryx, but not in relation to the Board of Nursing. Bergeson discussed the procurement issue, and based on his preliminary review, this statute would not apply as there was no procurement involved in this situation. Procurement relates to purchases, in which this case nothing was purchased. Bergeson also indicated that the Nurse Practices Act gives the board the authority to issue non renewable temporary permits while the applications are being processed, which the board has already discussed. It was also noted that permits had been issued and individuals were not barred from practicing. The UAPs have a four month grace period to apply for registry status from date of hire. RNs and LPNs were issued permits and work authorization as always. The last component discussed was the issue of the complaint against Dr. Kalanek. Bergeson reviewed the normal process for an investigation. Since Dr. Kalanek is part of the Disciplinary Review Panel that reviews investigations, this office cannot perform the investigation. Bergeson recommends requesting direction from the Attorney General's Office as to how to proceed. Bergeson indicated the investigation process should be as close to the process used through the board office as possible. Bergeson indicated that the issues resolved today during the prior discussions would also be addressed in the response. President Sund and Bergeson will draft a response for board review. Tello-Pool indicated that the Tribune indicated the board had been informed that Kalanek's son was involved in ID Metryx. Tello-Pool disputed the fact that all board members were informed and made clear that she was not aware of the relationship. She also felt that it was not appropriate for any comments to have been made to reporters until the board had met and discussed the issues. Bergeson indicated a response could be made to NDLTCA and NDHCA related to some issues addressed in the Peterson and Thomas letter and relay the action the board took on the issues.</p> <p><i>Motion:</i> Benson, seconded by Tello-Pool to: DIRECT BRIAN BERGESON, SAAG, TO CONTACT THE ATTORNEY GENERAL'S OFFICE TO DETERMINE THE APPROPRIATE PROCESS FOR PROCEEDING WITH AN INVESTIGATION OF EXECUTIVE DIRECTOR CONSTANCE KALANEK TO DETERMINE IF THERE HAS BEEN A VIOLATION OF THE NURSE PRACTICE'S ACT.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
6.2 LPN Practice Analysis Study – Nominations for Panel of Experts	<p><i>Discussion:</i> Three individuals have been nominated to serve on the NCSBN LPN Practice Analysis Study. Staff indicates all three have active and unencumbered licenses.</p> <p><i>Motion:</i> Anderson, seconded by Traynor that: THE BOARD SUBMIT THE FOLLOWING LICENSED NURSES NAMES FOR CONSIDERATION TO THE LPN PRACTICE ANALYSIS STUDY: JULIE SCHWAB, RN RENEE OLSON, LPN MARGARET BIRCHOLZ, LPN</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
7.21 Update on Nursing Needs Study – Patricia Moulton – 7/18 @ 10:00 am.	Patricia Moulton of UND Center for Rural Health (CRH) gave a presentation titled "North Dakota Nursing Needs Study: Year Six". A copy of the report is available on the UNDCRH website.
7.22 Charting Nursing's Future	The board reviewed an article titled "Charting Nursing's Future" which indicates that new research provides solutions to the nursing shortage by improving retention of older and experienced nurses in the workforce.
7.23 ND Nursing Needs Study Proposal	The board reviewed the Year 7 ND Nursing Needs Study Proposal. The board funded the study in the 08-09 budget with \$35,000.
7.32 Update on APRN Activities	The board reviewed an update from NCSBN related to Council for the Advancement of Comprehensive Care (CACC) recent agreement with the National Board of Medical Examiners for individuals who have earned their Doctorate on Practice in Nursing (DNP). A response letter from the Association of Faculties of Pediatric Nurse Practitioners was also reviewed.

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

AGENDA ITEM	ACTION
7.33 ANCC Official change of Certification Credentials	The board reviewed a list of ANCC Certifications and Credentials updated May 2008.
7.34 Medicaid PCP Fact Sheet & FAQs	The board reviewed the North Dakota Medicaid Primary Care Provider for Medicaid Recipients Fact Sheet. The ND Nurse Practitioner Association intends to seek changes to the language in the ND Medicaid rules and regulations to include Nurse Practitioners in the list of primary care providers.
7.35 Use of oxygen concentrator	The board reviewed a letter to the ND Board of Pharmacy from Michael Johnson, practicing chiropractor in MN regarding the use of an oxygen concentrator and whether the ND Board of Pharmacy considers its administration of a dangerous drug. The response from the ND Board of Pharmacy was reviewed.
7.36 Prescriptive Authority Applications	<p><i>Discussion:</i> There have been seven applications for prescriptive authority since the last meeting.</p> <p><i>Motion:</i> Christianson, seconded by Anderson: RATIFY PRESCRIPTIVE AUTHORITY FOR THE FOLLOWING: KRIS STELLON, APRN, CNS CP: KEITH SWANSON, MD KIMBERLY ANDERSON, APRN, FNP CP: ABDUL HAFEEZ, MD CHRISTINE HARSELL, APRN, ANP CP: JONATHAN H. BERG, MD VALARIE TUSETH, APRN, FNP CP: THEODORE S OLSON, MD AMY SUDA, APRN, FNP CP: KRISTI MIDGARDEN, MD MIA KOZOJED, APRN, FNP CP: TORY SCHAFF, MD MICHELLE COLLEY, APRN, FNP CP: ROBIN T. HAFE, MD</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
7.37 Consensus Model for APRN Regulation	The board reviewed the Consensus Model for APRN Regulation: Licensure, Accreditation, Certification, & Education that was completed through the work of APRN Consensus Work Group and the NCSBN APRN Advisory Council. The paper will be discussed at the NCSBN Annual Meeting.
7.41 NLC Case Log	The board reviewed one case of a nurse working in AZ on a ND compact license reported for impairment on duty. The nurse has obtained licensure in AZ and will participate in the AZ CANDO program.
7.51 Legislative Bills Affecting State Agencies	A letter from ND Legislative Council related to filing of agency bills was reviewed.
7.52 Legislative Committees – Administrative Rules Committee	The Administrative Rules Committee reviewed and approved the rules that the board had adopted at their May meeting. The hearing summary was reviewed.
7.54 Interim Workforce Committee – Workforce System Policy & Implementation Options & Recommendations – Benson	Benson reported on a meeting he attended for the Interim Workforce Committee of the ND Legislative Council. The committee reviewed a report on Workforce System Policy and Implementation Options and Recommendations. Benson indicated that there has been a shift in focus on the need of skilled workers in the state. The report is a result of a mandate for a study during the last session, and the report will be discussed during the upcoming session.
7.6 Website & Renewal	Kalanek reported that the UAP Renewal cycle just completed on June 30, 2008, with 1210 UAPs renewed and 1170 that lapsed.
7.71 Request for Representative on MSU-Bottineau Adult Caregiver Services	<p><i>Discussion:</i> MSU-Bottineau has a new program called "Adult Caregiver Services". The college is assembling an advisory committee for this new program and requests a representative from the Board of Nursing on the advisory committee. Hill has agreed to represent the board on the committee.</p> <p><i>Motion:</i> Traynor, seconded by Case to: APPROVE PAT HILL AS A REPRESENTATIVE FROM THE BOARD OF NURSING TO PARTICIPATE ON THE MSU-BOTTINEAU – ADULT CAREGIVER SERVICES ADVISORY COMMITTEE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
12.10 2008-2009 Board Meeting Dates	<p><i>Discussion:</i> The board typically meets on the third Thursday and Friday of every odd month. The board reviewed those dates for the upcoming year.</p> <p><i>Motion:</i> Anderson, seconded by Case to: APPROVE THE FOLLOWING MEETING DATES FOR 2008-2009: JULY 17-18 ANNUAL MEETING SEPTEMBER 17, BOARD RETREAT SEPTEMBER 18 & 19, 2008 NOVEMBER 20 & 21, 2008 JANUARY 15 & 16, 2009 MARCH 19 & 20, 2009 MAY 14 & 15, 2009 JULY 16 & 17, 2009 ANNUAL MEETING</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

AGENDA ITEM	ACTION
12.11 Approval of Committee Appointments	<p><i>Discussion:</i> The Board discussed committee appointments for the upcoming year. The governor will be appointing two additional board members, and the board discussed waiting until the next meeting to do appointments.</p> <p><i>Motion:</i> Tello-Pool, seconded by Christianson to:</p> <p>TABLE THE COMMITTEE APPOINTMENTS FOR 2008-2009 UNTIL THE NEXT MEETING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
12.12 Election of Officers	<p>Sund called for nominations for President. Sund indicated she does not wish to continue as President of the board. It was noted that according to the newly adopted by-laws, all terms for newly elected officers will be two year terms. Tello-Pool nominated Benson for President, seconded by Case.</p> <p>Motion by Tello-Pool, seconded by Christianson that:</p> <p>NOMINATIONS FOR PRESIDENT CEASE AND A UNANIMOUS BALLOT BE CAST FOR BENSON.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p> <p>Sund called for nominations for Vice-President. Tello-Pool nominated Traynor for Vice-President, seconded by Case.</p> <p>Motion by Christianson, seconded by Anderson that:</p> <p>NOMINATIONS FOR VICE-PRESIDENT CEASE AND A UNANIMOUS BALLOT BE CAST FOR TRAYNOR.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p> <p>Sund called for nominations for Treasurer. Sund nominated Christianson, seconded by Case.</p> <p>Motion by Traynor, seconded by Anderson that:</p> <p>NOMINATIONS FOR TREASURER CEASE AND A UNANIMOUS BALLOT BE CAST FOR CHRISTIANSON.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Case, yes; Christianson, yes; Sund, yes; Tello-Pool, yes; Traynor, yes; 7 yes, 0 no, 0 absent. Motion carried.</p>
12.13 Attendance at Meetings	The board reviewed a list of state meetings and indicated who was able to attend. Those attending representing the board will be reimbursed for expenses.
12.14 Conflict of Interest Policy & Verification of Employment for Board Members	Board members and staff annually complete a conflict of interest form and a verification of practice form to comply with requirements.
12.15 Updated Contact Information	Updated board contact information was distributed.
12.16 Board members and Staff Birthdays	Board members and staff birthday lists were distributed.
12.17 September Retreat	The September retreat will be held on September 17 th , with Terry Fleck as the presenter for a portion of the day.

CONSENT AGENDA:

8.1 NCSBN
8.11 2008 Slate of Candidates
8.12 APRN Model Act/Rules and Regulations (Draft)
8.13 Summary of Recommendations to 2008 DA with rationale
8.14 Recommendations for Model Rule Changes: Faculty Qualifications Committee
8.15 Resolutions from AMA HOD
8.16 Candidates
8.17 North Dakota update – 2008
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 NNAAP Testing FY 08 Report
8.6 Licensure
8.61 Licensed Nurse
8.62 Unlicensed Assistive Person

North Dakota Board of Nursing Meeting Minutes – July 17, 2008

8.63 NCLEX-RN – none
8.64 NCLEX-PN - none
8.65 Late Renewal Summary – none
8.7 Discipline
8.71 Disciplinary Statistics/Case Activity Report
8.8 Legal Counsel
8.9 Education
8.91 Kaplan & COGFNS announce plans to provide online and offline nursing education and test preparation products and services.
8.92 MN State University – Moorhead notification of 64 BSN students' clinical experience in ND facilities
8.93 MSCTC notification of 132 ASPN student's clinical experience in ND facilities

BOARD COMMITTEES:

9.1 Program Monitoring Committee	
9.2 Nursing Education Committee	July 16, 2008.
9.3 Finance Committee	
9.4 Executive Committee	June 30, 2008; July 17, 2008 (canceled)
9.5 Prescriptive Authority Committee	
9.6 Nursing Practice Committee	
9.7 Bylaws Committee	May 10, 2008

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 NCSBN Annual Meetings – August 7-10, 2008; Chicago
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 National and State Policy – May 28, July 30
10.2-2 Education Consultant Network – June 12, July 8
10.2-3 Discipline Consultant – June 10
10.2-4 EO Network –
10.2-5 NLCA Meeting – August 6, Chicago
10.2-6 Mid-Year Meeting –
10.2-8 NCSBN Executive Officers Leadership Seminar; June 23-24
10.2-9 Annual Institute of Regulatory Excellence – January 12-14, 2009
10.2-11 IRE Committee
10.2-12 Board Investigator & Attorney Workshop; May 18-21
10.2-13 NCLEX Invitational – September 8
10.2-16 TERCAP Task Force – June 25-26
10.2-17 Practice Consultant Network – May 21, June 16, July 18
10.2-19 Examination Committee – July 23.
10.2-20 Regulation of Unlicensed Personnel – June 13
10.2-21 Nursys Committee – June 9, 2008
10.2-22 Workshop on Regulation of Unlicensed Assistive Person (UAP) – June 13
10.2-23 NCLEX Examination Committee – July 23
10.2-24 Finance Committee – July 8, 29
10.2-25 TERCAP User Conference Call – July 8
10.2-26 Board of Directors – July 9-11, August 4
10.2-27 NCSBN Annual Meeting – August 5-8, 2009
10.3 ND Nurse Leadership Council – June 12
10.4 ND Organization of Nurse Executives
10.5 ND Nurses Association - October 17, 2008
10.6 ND Rural & Public Health Conference –
10.7 ND LTCA Conference, - September 16, 2008
10.8 ND Health Care Association Annual Meeting, September 24-25, 2008
10.9 ND Domestic and Sexual Violence State Prevention Team – July 28
10.10 Nurse Education Higher Education Work Group
10.11 Prescription Drug Monitoring Program – July 17

**North Dakota Board of Nursing
Meeting Minutes – July 17, 2008**

10.12	Nursing Education Consortium – SB 2379 – June 11
10.13	PHEVR/MRC Advisory Committee – May 20, June 17, August 19.
10.14	Healthcare Workforce Summit Workgroup Participants – Kalanek
10.15	American Academy of Nurse Practitioners Annual Region 8 Meeting – May 31 – Witzel
10.16	ND Workforce Committee Joint Meeting – June 24 – Benson

Staff Presentation

- 11.1 CHRC Presentation, NDLTCA & NDHA, Bismarck – June 18, 2008
- 11.2 Delegation Presentation – Heartland Care Center – May 21 & 22, 2008
- 11.3 CHRC Presentation – CUNEA & NDONE Joint Meeting - Jamestown
- 11.4 CHRC Presentation – NDLTCA & NDHA – June 18, 2008

**The meeting recessed for lunch at 12:10 p.m. on July 17, 2008 and reconvened at 1:10 p.m.
The meeting adjourned at 3:35 p.m. on July 17, 2008**

Constance B. Kalanek, RN, PhD
Executive Director
Draft 7/28/2008